

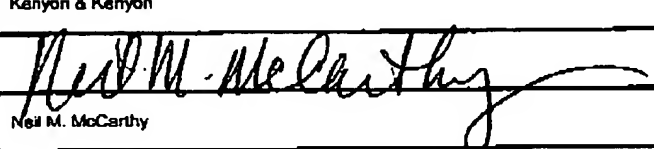
OCT 06 2005

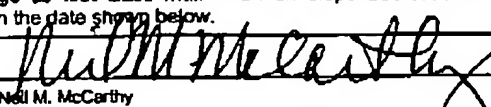
PTO/SB/21 (09-04)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/816,376	
	Filing Date	April 2, 2004	
	First Named Inventor	Claude SINGER et al.	
	Art Unit	1623	
	Examiner Name	E. Peselov	
Total Number of Pages in This Submission	4	Attorney Docket Number	1662/492021

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Substitute Supplemental Reissue Declaration Under 37 CFR §§1.63 and 1.175
Remarks This Supplemental Reissue Declaration is being filed by facsimile to the United States Patent and Trademark Office to 703-872-9306.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Kenyon & Kenyon		
Signature			
Printed Name	Neil M. McCarthy		
Date	October 6, 2005	Reg. No.	43,435

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Neil M. McCarthy	Date	October 6, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 585082_1.doc

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[1662/492021]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Claude SINGER et al.
Serial No. : 10/816,376
Filing Date : April 2, 2004
For : ETHANOLATE OF AZITHROMYCIN, PROCESS FOR
MANUFACTURE AND PHARMACEUTICAL
COMPOSITIONS THEREOF
Examiner : E. Peselov
Art Unit : 1623

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF SUBSTITUTE SUPPLEMENTAL
REISSUE DECLARATION UNDER 37 C.F.R. §§ 1.63 & 1.175**

SIR:

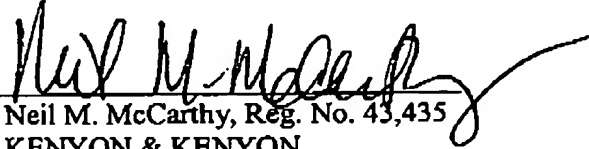
Please find transmitted herewith a Substitute Supplemental Reissue Declaration for the above-identified reissue application.

No fee is believed due, however, the Commissioner is hereby authorized to charge any fees to the deposit account of Kenyon & Kenyon, deposit account number 11-0600.

Respectfully submitted,

Dated: October 6, 2005

By:



Neil M. McCarthy, Reg. No. 43,435
KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC 20005-1257
(202) 220-4200
CUSTOMER NO. 26646

585081_1.doc

PTO/SB/51 (09-04)

Approved for use through 04/30/2007. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REISSUE APPLICATION SUPPLEMENTAL DECLARATION BY
THE INVENTOR****Docket Number (Optional)**
1662/492021

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,365,574 B2, granted April 2, 2002 and for which a reissue patent is sought on the invention entitled Ethanolate of Azithromycin, Process for Manufacture and Pharmaceutical Compositions Thereof

the specification of which

☐ is attached hereto.☒ was filed on April 2, 2004, reissue application number 10 / 816,376
and was amended on September 27, 2005.
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.☒ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Claims 1, 6 and 7 were amended to more fully distinguish over US 4,474,768 to Bright.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/51 (09-04)

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(REISSUE APPLICATION SUPPLEMENTAL DECLARATION BY THE INVENTOR page 2)**Docket Number (Optional)**
1662492021

Note: To appoint a power of attorney use form PTO/SB/81

Correspondence Address : Direct all communications about the application to:

☒ Customer Number : 26646**OR**☐ Firm or
Individual Name

Address

City

State

ZIP

Country

Telephone

Fax

We hereby declare that every error in the patent which was corrected in the present reissue application and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application arose without any deceptive intention on the part of the applicant

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application any patent issuing thereon or any patent to which this declaration is directed.

Full name of sole or first inventor (given name family name)
Claude Singer

Inventor's signature

Date

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Judith Aronhime

Inventor's signature

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